

ASSEMBLY BILL

No. 1370

Introduced by Assembly Member Solorio

February 27, 2009

An act to amend Section 111385 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1370, as introduced, Solorio. Drugs and devices: labeling: expiration date: best before date.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Public Health to regulate manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. A violation of these provisions is a crime.

Existing law classifies a drug or device as misbranded if the department determines that the drug or device is liable to deterioration and the drug or device is not packaged and labeled in a form and manner and set forth in regulations of the department.

This bill would require that the label contain a "best before" date in addition to the expiration date of the effectiveness of the drug or device. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111385 of the Health and Safety Code
2 is amended to read:
3 111385. Any drug or device is misbranded if the department
4 determines that the drug or device is liable to deterioration, unless
5 it is packaged in that form and manner and its label bears a
6 statement of the precautions, as the department, by regulation, may
7 require as necessary for the protection of public health, *including,*
8 *but not limited to, “best before” date in addition to the expiration*
9 *date of the effectiveness of the drug or device.* ~~Such~~ The regulations
10 shall not be established for any drug or device recognized in an
11 official compendium, unless the department has informed the
12 appropriate body, charged with the revision of the official
13 compendium, of the need for that packaging or labeling
14 requirements and that body has not prescribed the requirements
15 in a reasonable length of time.
16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.